

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ROSALIE ROMANO; PATRICIA GLUECKERT)
individually and on behalf of the Estate of)
WILLIAM G. GLUECKERT; WILLIAM P.)
GLUECKERT; FRANCISCO PASTOLERO and)
MARIA SPICER; JAYNE MANN; DENISE)
FLORIO; ROSS MEADOW and ARLENE)
MEADOW; JACOB KHOLODNY and)
BELLA KHOLODNY; FLO RAUCCI,)
individually and on behalf of the Estate)
of SALVATORE RAUCCI; DANIEL)
GALLANTE and JENNIFER GALLANTE;)
and TERESA MEADE, individually)
and on behalf of all others similarly)
situated; and MARYANN HERBERT;)
CHRISTINA ANDREWS-SALES;)
CHRISTOPHER CAGNA; JACKIE)
LIEBERMAN; CATHERINE LEWONKA;)
EUGENE CONNOLLY; VIVIANE)
BLICKENS DERFER; DANA)
BLICKENS DERFER; GLENN FALINO)
and MARCIA FALINO; and MICHAEL) CA No.:16-CV-5760(GRB)(ARL)
FALINO, individually,)
)
)
Plaintiffs,) Hon. Gary R. Brown
) Hon. Arlene R. Lindsay
)
against)
)
)
NORTHROP GRUMMAN CORPORATION,)
NORTHROP GRUMMAN SYSTEMS)
CORPORATION, AND TOWN OF OYSTER)
BAY,)
)
)
Defendants.)

NOTICE OF MOTION ON CONSENT TO FILE AMENDED PLEADING
AND TO AMEND SCHEDULING ORDER

Pursuant to Fed. R. Civ. Pro. 15(a)(2), and upon the written consent of Defendants, Plaintiffs seek leave of Court to amend the Second Amended Class Action Complaint and to file the Third Amended Class Action Complaint.

1. A copy of the proposed amended pleading, showing changes, is annexed as Exhibit 1 hereto. A clean copy is annexed as Exhibit 2 hereto.

2. The proposed Third Amended Class Action Complaint amends the Second Amended Class Action Complaint in the following respects:

- a. the addition of Plaintiffs TERESA MEADE, DONALD LAGOMARSINO, SCOTT RUST, LAURIE FRANK, THOMAS NUCCI, CHRISTOPHER BLADES, DAWN CIRINO-SAMBADE, MARY ELLEN GINTY, and JOHN SCHLOSSER as additional named representatives of the classes;
- b. the removal of Plaintiffs, Francisco Pastolero, Maria Spicer and Michael Falino; and
- c. the change in status of Plaintiff Denise Florio from class representative to additional plaintiff;
- d. the removal of the Town of Oyster Bay (the “Town”) as a Defendant, and the removal of allegations and claims concerning Bethpage Community Park that were or could have been made against the Town;
- e. a revision of the class definitions; and
- f. a more complete statement of facts based on information obtained in discovery, consultations with experts, and governmental investigations recently made public.

g. The Third Amended Class Action Complaint also contains supplemental allegations of the events relevant to this action that have occurred subsequent to the May 4, 2018 filing of the Second Amended Complaint.

2. Plaintiffs respectfully submit that these amendments should be allowed because:

- a. Fed. Rule Civ. Pro. 15(a)(2) provides that leave to amend should be freely given “when justice so requires”; and
- b. there is no evidence of futility, undue delay, bad faith or dilatory motive, repeated failure to cure deficiencies by amendments previously allowed, or undue prejudice to the non-moving party.
- c. Plaintiffs have conferred with the Defendants. All parties have agreed to the relief requested herein.

3. The parties jointly request that the Third Amended Class Action Complaint be deemed filed upon the granting of this motion. The parties further request that the Northrop Grumman Defendants be required to file their Answer to the Third Amended Complaint on or before August 3, 2021.

4. In view of the proposed amendment and addition of class representatives, Plaintiffs also move, on consent, pursuant to Fed. R. Civ. Pro. 16, to amend the Scheduling Order dated May 19, 2021 (ECF 127) such that Plaintiffs shall produce completed Plaintiff Fact Sheets and authorizations for newly named class representatives, along with their medical records and any other documents they have that are relevant to Phase I, on or before June 30, 2021. The Fact Sheets shall be in the form previously approved by this Court.

For the reasons stated above, Plaintiffs respectfully request that the Motion to File Amended Pleading and to Amend Scheduling Order be granted.

Dated: Melville, New York
June 8, 2021

NAPOLI SHKOLNIK

By: 

Lilia Factor

400 Broadhollow Rd.
Melville, NY 11747
Telephone: (212) 397-1000
lfactor@napolilaw.com; pnapoli@nsprlaw.com

ENVIRONMENTAL LITIGATION GROUP, PC
Gregory A. Cade
Greg Anderson
Kevin B. McKie
2160 Highland Avenue South
Birmingham, AL 35205
Telephone: (205) 328-9200
email: GregC@elglaw.com;
gary@elglaw.com; kmckie@elglaw.com

Counsel for Plaintiffs